

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Andrew Gonzales, Assistant Planner
DATE: June 25, 2008

**SUBJECT: RECONSIDERATION OF TEMPORARY USE PERMIT NO. 2008-003
(SAINTS SIMON AND JUDE OUTDOOR CHURCH SERVICES)**

LOCATION: 20444 Magnolia Street, 92646 (northeast corner of Magnolia Street and Indianapolis Avenue)

Applicant: Gil Michalek, 20444 Magnolia Street, Huntington Beach, CA 92646

Property Owner: Roman Catholic Bishop of Orange, 20444 Magnolia Street, Huntington Beach, CA 92646

Request: To reconsider the temporary use of a tent for church services, due to insufficient Public Notification. The outdoor services will occur for a period of eight (8) months from June 15, 2008 through January 31, 2009.

Environmental Status: This request is covered by Categorical Exemption, Section 15304, Class 4, California Environmental Quality Act.

Zone: RL (Residential Low Density)

General Plan: P-RL (Public – Underlying Designation Residential Low Density)

Existing Use: Church

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15304 of the CEQA Guidelines, because the project consists of a minor temporary use of land having negligible or no permanent effects on the environment.

SUGGESTED FINDINGS FOR APPROVAL - TEMPORARY USE PERMIT NO. 2008-003:

1. Temporary Use Permit No. 2008-003 to establish outdoor church services within a tent for a period of eight (8) months from June 15, 2008 through January 31, 2009 will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of Chapter 241. The use is temporary in nature, compatible with surrounding uses, and consistent with the following Land Use Policies:

LU 9.4 Provide for the inclusion of recreational, institutional, religious, educational and service uses that support resident needs within residential neighborhoods.

LU 9.4.1 Accommodate the development of religious facilities and similar community-serving uses in all residential areas, provided that they are compatible with adjacent residential uses and subject to review and approval by the City and other appropriate agencies.

LU 13.1.2 Allow for the continuation of existing and development of new religious facilities in any land use zone where they are compatible with adjacent uses and subject to the City review and approval.

Saint Simon and Jude Church is in the process of expanding their existing church building. The proposed outdoor church services will allow the church to continue regular worship services until construction activity is completed. The temporary use will not operate concurrently with existing church services or operations. The proposed services will not remove or require additional onsite parking.

2. Approval of the request to establish outdoor church services within a tent for a period of eight (8) months from June 15, 2008 through January 31, 2009 will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare. Church services will operate in a similar manner prior to the church expansion with exception of mass services provided within the outdoor tent during construction. As conditioned, potential adverse impacts associated with noise will be mitigated through the incorporation of sound walls which will be located adjacent to the tent walls closest to residences. Furthermore, the project will direct entrances/exits and the stage area away from adjoining residences so as not to impact adjacent residential uses.

SUGGESTED CONDITIONS OF APPROVAL - TEMPORARY USE PERMIT NO. 2008-003:

1. The site and floor plan received and dated April 17, 2008 shall be the conceptually approved layout with the following modifications:
 - a. Revise "Exhibit A" to include an additional sound wall on the entire east side of the tent.
2. The use of amplifiers, speakers, and instruments shall cease between the hours of 10PM and 7AM. Speakers shall not be directed towards any housing area.
3. Portable or theatrical lighting sets shall be positioned and aimed so that they do not shine towards or blind on-coming street traffic or adjoining residences.

4. The Planning Director ensures that all conditions of approval herein are complied with. The Planning Director shall be notified in writing of any changes to the operations of the church services. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Zoning Administrator may be required pursuant to the Huntington Beach Zoning and Subdivision Ordinance.
5. Only the uses described in the narrative dated April 17, 2008 shall be permitted.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.